

**RECEIVED
CENTRAL FAX CENTER**


JUN 14 2006

Doc Code: AP.PRE.REQ

PTO/SB/33 (07-05)

Approved for use through xx/xx/200x. OMB 0651-00xx
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) RCI 001 v1	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <u>JUNE 14, 2006</u> Signature <u>Chas R</u> Typed or printed name <u>CHRISTIAN S. RODE</u>		Application Number 09/287,478	Filed APRIL 6, 1999
		First Named Inventor CHRISTIAN S. RODE	
		Art Unit 2128	Examiner THAI Q. PHAN
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a notice of appeal. The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.			
I am the <input checked="" type="checkbox"/> applicant/inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/98) <input type="checkbox"/> attorney or agent of record. Registration number _____ <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____		<div align="center">  Signature CHRISTIAN S. RODE Typed or printed name 781-899-4322 Telephone number 6/14/2006 Date </div>	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.			
<input type="checkbox"/> *Total of _____ forms are submitted.			

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

United States Patent and Trademark Office
Washington, D.C. 20231
6/14/2006

Dear Sir / Madam:

Please find attached a letter supporting a Pre-Appeal Brief Request for Review for Application
No. 09/287,478. (2 pages of content)

Thank you,
Chris Rode
Applicant PRO SE
Rode Consulting, Inc.
2412 Stearns Hill Rd.
Waltham, MA 02451
781-899-4322

**RECEIVED
CENTRAL FAX CENTER**

JUN 14 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09 / 287,478 Confirmation No. 6350
Applicant : Christian S. Rode
Filed : April 6, 1999
Provisional Appl. Filed : 60 / 080,905, 4/06/98
TC./A.U. : 2128
Examiner : Thai Phan

Docket No. : RCI001v1

Honorable Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Dear Sir or Madam:

Remarks/Arguments begin on page 2 of this paper.

REMARKS-General

Generally, the office action of 12/14/2005 recapitulates the exact same arguments as in the office action of 4/22/2005, with an additional reference to Kahn appended to each base claim (pg 4, par2; pg 7, par 2; pg 10, par 2; of OA 12/14/2005) supposedly "rendering moot" all previous response arguments (pg 11, "Response to Arguments"). However, those arguments in the response of 9/22/2005 that are addressed to deficiencies in the citations of van Huben '201 and Lawman '672, cannot be mooted by simply adding a new reference and therefore remain valid and unanswered arguments. (See response of September 22, 2005, "Regarding claim" 1, 3, 7, 8, 9, 11, 12, 13, 14, 15, 16). An individual argument or allowance to each of these response arguments is expected.

Several of the rejections lack citations and despite repeated challenges, they have not been forthcoming. It must be presumed that the challenges are therefore correct and the claims should be allowed. (e.g., pg. 11 of the December 14, 2005 Office Action: "As per claim 16, van Huben discloses...", identical to previous OA, the response to which stated that it was apparently in error.)

With respect to the addition of Kahn, the latest amendments' reference to proxy compatibility (Amendment F, amendments 1a, 10a and 15a) has apparently been ignored. Kahn teaches a broad topic of communicating processes via a network, including the Internet, but does not address the issue of proxy/firewall compatibility. The most recent amendments were intended to make a bright-line distinction with the prior art as regards CAD and any form of non-HTTP-type communications mechanism, but this has been overlooked. It has consistently been acknowledged that CAD has existed over the internet more than a full decade preceding the present invention and Kahn also falls within the acknowledged prior art, but that art can be and is clearly distinguished from the claims of the present invention. Kahn does not reference communicating by the HTTP or HTTPS protocols, for example.

General arguments of nonobviousness have also been lacking in response. The electronics industry is large and dynamic, if the present invention were truly obvious examples would have existed prior to the public demonstration of this present invention, nearly a year prior to the filing of the provisional, a year prior to regular application. The subject matter even after this point was considered nonobvious, (e.g., 6,530,065, MacDonald, et. al)